

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
5:10-HC-2009-FL

UNITED STATES OF AMERICA,)
)
Petitioner,)
)
v.)
)
DANIEL H. KING,)
)
Respondent.)

ORDER

This case comes before the court on the government's motion (D.E. 118) for permission to produce the various experts' forensic evaluations of respondent, which have been filed under seal in this case, to state officials in accordance with 18 U.S.C. § 4248(d) and to United States Probation officials for official law enforcement purposes. The government represents that respondent opposes the motion, but respondent did not file a response to the motion within the time permitted stating a basis for his opposition.

For the reasons stated in the court's 12 September 2013 Order (D.E. 132) in *United States v. Antone*, No. 5:07-HC-2042-FL, which incorporates additional reasons set forth in the court's order in *United States v. Matherly*, No. 5:06-HC-2205-BR, 2013 WL 3873181 (E.D.N.C. 25 July 2013), the government's motion (D.E. 118) is ALLOWED IN PART and DENIED IN PART on the following terms:

1. The Federal Bureau of Prisons may produce forensic psychiatric or psychological evaluations of the respondent filed under seal in this court (i) to the appropriate official(s) of the state in which the respondent is domiciled or was tried for the purpose of complying with 18 U.S.C. § 4248(d), such evaluations to be accompanied by a written notice that unless and until the officials decide to assume responsibility for the respondent pursuant to 18 U.S.C. § 4248(d) they

may use the evaluations solely for the purpose of making such decision, and (ii) to the appropriate United States Probation Office(s) for purposes of coordinating the psychological, psychiatric, and other mental health treatment of respondent while on supervised release and otherwise facilitating the supervision of the respondent in accordance with the terms of such release.

2. Any documents subject to the foregoing paragraph marked as "Attorney's Eyes Only" pursuant to paragraph 4(h)(iii) of this court's Standing Order regarding Procedures for Commitments under 18 U.S.C. § 4248, no. 10-SO-01 (E.D.N.C. 4 Aug. 2010) shall remain subject to the provisions thereof and shall not be shown to the respondent without (i) the consent of counsel for the government or the state assuming responsibility for respondent's custody, care, and treatment, and counsel for the respondent, or (ii) an order of a court of competent jurisdiction.

SO ORDERED, this 24th day of September 2013.



James E. Gates
United States Magistrate Judge